

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA.**

**Plaintiff,**

**V.**

**AMEREN MISSOURI.**

**Defendant.**

**Case No. 4:11-CV-00077-RWS**  
**Judge Rodney W. Sippel**

**AMEREN MISSOURI'S MOTION TO COMPEL  
PRODUCTION OF NON-PRIVILEGED DOCUMENT**

For the reasons set forth in the accompanying memorandum of support, Defendant Ameren Missouri (“Ameren”), by its attorneys, respectfully moves to compel production of a 2007 EPA enforcement activity report from Region 7, or at a minimum the single, non-privileged, Ameren-related paragraph from that 2007 report.

Pursuant to Local Rule 3.04, on several occasions, Ameren's counsel has conferred in good faith with EPA's counsel regarding the production of this document, including October 28, 2013, October 30, 2013, and November 1, 2013. Despite their sincere efforts to resolve this issue, counsel were unable to reach an accord.

WHEREFORE, as discussed in the memorandum of support, Ameren respectfully requests that the Court grant this motion and enter an order compelling EPA to produce the 2007 report (EPA7A\_AME295299 – 306) in its entirety or, alternatively, in redacted form such that all non-privileged and non-work product information remains disclosed, including but not limited to the entire paragraph that addresses Ameren.

Dated: February 21, 2014

Respectfully submitted,

/s/ Matthew B. Mock

Ronald S. Safer (*pro hac vice*)

Patricia Brown Holmes (*pro hac vice*)

Renee Cipriano (*pro hac vice*)

Steven J. Bonebrake (*pro hac vice*)

Matthew B. Mock (*pro hac vice*)

SCHIFF HARDIN LLP

233 South Wacker Drive, Suite 6600

Chicago, Illinois 60606

(312) 258-5500

Fax: (312) 258-5600

James J. Virtel

ARMSTRONG TEASDALE LLP

7700 Forsyth Boulevard Suite 1800

St. Louis, Missouri 63105

(314) 621-5070

Fax: (314) 612-2298

jvirtel@armstrongteasdale.com

*Counsel for Defendant Ameren Missouri*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 21, 2014, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will cause an electronic copy to be served on counsel of record, who are listed below:

Andrew C. Hanson  
Bradford T. McLane  
James Beers  
Elias Quinn  
U.S. Department of Justice  
Environment and Natural Resources Division  
P.O. Box 7611  
Ben Franklin Station  
Washington, DC 20044-7611  
Telephone: (202) 514-5293  
Facsimile: (202) 616-6584

/s/ Matthew B. Mock